

REMARKS

Applicant has considered the Final Office Action of October 21, 2005 and the Advisory Action of March 6, 2006. Claims 7-13 have been amended. Claim 1-6 and 18 has been cancelled. New claims 19-22 have been added. Claims 7-15 and 19-22 are pending. Reconsideration of this application is respectfully requested.

I. The claims are not anticipated by Samuelson or Yallampali.

The rejection of Claims 1 and 7-10 under 35 U.S.C. 102(b) as being anticipated by Samuelson was maintained by the Examiner. Applicant traverses the rejection.

In the prior response, Applicant argued that only conservative substitution was intended. The Examiner did not find this argument persuasive because the claims did not recite only conservative substitution. Claims 7-10 have been amended so the recitations directed to conservative substitution, addition, or deletion have been removed. Therefore, these peptides do not read on the sequences taught by Samuelson. In addition, claims 7-10 recite bradykinin-induced contraction. Samuelson discusses the treatment of spontaneous contraction and therefore does not anticipate these claims as alleged by the Examiner.

Applicant requests withdrawal of the 102(b) rejection based on Samuelson.

Applicant notes that Yallampali does not teach peptides having the specific sequences of claims 7-10. In the Advisory Action, the Examiner stated that the definition of adrenomedullin as used by the Applicant was broad and thus Yallampali taught the claimed peptides. Applicant has reviewed Yallampali. Yallampali describes CGRP as a 37-amino acid neuropeptide having an alpha and beta form; see page 6, lines 1 and 14-15. The claimed peptides do not overlap with the peptides disclosed by Yallampali as his SEQ IDs 1 and 2, nor do they appear to be addition, substitution, or deletion analogs. Applicant has compared the SEQ IDs 1 and 2 of Yallampali to the peptide of instant claim 7; there was only 25% homology, even with substitution. This cannot constitute "teaching" of the instant peptides.

II. The claims meet the written description requirement.

Claims 1-15 were rejected under 35 U.S.C. § 112, ¶ 1, as failing the written description requirement. Applicant traverses the rejection.

The Examiner stated that the recitation "caused by an inflammatory mediator" constituted new matter. He also stated that there was no support that adrenomedullin (AM) is to be administered alone without combining CGRP. These recitations have been deleted from claims 1 and 2. Therefore, this rejection is moot.

Applicant requests withdrawal of the written description rejection.

III. The claims are definite.

Claims 1-15 were rejected under 35 U.S.C. § 112, ¶ 2, as indefinite. Applicant traverses the rejection.

The Examiner stated that the recitation "caused by an inflammatory mediator" was indefinite. This recitation has been deleted from claims 1 and 2. Therefore, this rejection is moot.

Applicant requests withdrawal of the indefiniteness rejection.

IV. New claims have been added.

New claims 19-22 have been added. In the Advisory Action, the Examiner indicated that new claims 19-22 would raise issues with respect to § 112, ¶ 1. Support for these claims can be found on page 11, lines 5-14, of the specification. With respect to these claims, please note again *Physiol. Rev.*, 84, pp. 90-934, 2004, a copy of which was submitted by Applicant in the response of January 25, 2004. On the last line of the right-hand column on page 905, the publication describes the homology between the active sites of adrenomedullin (AM) and CGRP as only approximately 25%. Based on this statement, CGRP cannot anticipate or render obvious the new claims. The publication also describes AM and CGRP as expressed in different levels in different organ systems. Applicant submits that it is therefore clear that AM and CGRP are different proteins and are not functionally or structurally equivalent.

CONCLUSION

In view of the above amendments and arguments, it is respectfully submitted that pending claims 7-15 and 19-22 are now in condition for allowance. Withdrawal of the rejections and issuance of a Notice of Allowance is requested.

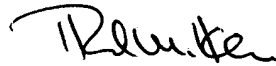
In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby authorized to contact Richard M. Klein at the telephone number listed below.

Respectfully submitted,

FAY, SHARPE, FAGAN,
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April 20, 2006

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